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Filing date: **11/15/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052738
Party	Plaintiff Premium Denim, LLC
Correspondence Address	ROD S BERMAN JEFFER MANGELS BUTLER & MITCHELL LLP 1900 AVENUE OF THE STARS , 7TH FLOOR LOS ANGELES, CA 90067 UNITED STATES trademarkdocket@jmbm.com
Submission	Motion to Compel Discovery
Filer's Name	JESSICA C. BROMALL
Filer's e-mail	trademarkdocket@jmbm.com
Signature	/S/ JESSICA C. BROMALL
Date	11/15/2011
Attachments	Motion to compel - ALYN PAIGE.pdf (45 pages)(1030360 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PREMIUM DENIM, LLC,

Petitioner,

v.

ALYN PAIGE CORPORATION,

Registrant.

Opposition No. 92/052,738

Registration No.: 3,239,342

Mark: ALYN PAIGE

Atty. Ref. No.: 66884-0043

PETITIONER'S MOTION TO COMPEL AND TO DEEM MATTERS:

REQUEST FOR STAY OF PROCEEDINGS

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Petitioner Premium Denim, LLC (“Petitioner”), through its undersigned counsel, hereby moves, pursuant to Rule 37 of the Federal Rules of Civil Procedure and 37 C.F.R. 2.120(e) & (h) of the Trademark Rules of Practice for entry of an order: ((1) compelling Registrant to provide responses, without objections, to Petitioner’s First Request for Production; (2) to produce all responsive documents thereto in its possession, custody, or control; (3) compelling Registrant to provide responses to Petitioner’s Interrogatories; and (4) deeming admitted the matters in Petitioner’s First Request for Admissions. Petitioner further requests that, pursuant to 37 C.F.R. § 2.120(e)(2) and TBMP 523.01, the Board immediately suspend these proceedings with respect to all matters not germane to this motion.

On or about March 21, 2011, Petitioner served the following discovery (collectively, the “Discovery Requests”) on Registrant: (1) Petitioner’s First Request for Admissions to Registrant; (2) Petitioner’s First Set of Interrogatories to Registrant; and (3) Petitioner’s First Request for

Production to Registrant. Declaration of Jessica C. Bromall submitted concurrently herewith (“Bromall Decl.”), ¶¶ 2-4, Exhs. A-C.

Responses to the foregoing discovery requests were due on or before April 25, 2011. Registrant has not served *any* response to the foregoing discovery. *Id.* at ¶ 5. By failing to respond in advance of the deadline, Registrant has waived all objections to the Discovery Requests and has admitted the truth of the matters in Petitioner’s First Request for Admissions.

Petitioner has made repeated requests – on May 5, 2011, July 14, 2011, and September 14, 2011, that Registrant serve responses and produce documents. *Id.* at ¶ 6, Exhs. D-E. Registrant, however, has provided no responses to Petitioner’s discovery requests and has responded to Petitioner’s requests that it provide responses only by requesting that Petitioner provide its questions in another form. *Id.* at ¶ 6, Exh. E.

In view of the foregoing, Petitioner requests that the Board issue an order: (1) compelling Registrant to provide responses, without objections, to Petitioner’s First Request for Production; (2) to produce all responsive documents thereto in its possession, custody, or control; (3) compelling Registrant to provide responses to Petitioner’s Interrogatories; and (4) deeming admitted the matters in Petitioner’s First Request for Admissions.

Dated: November 15, 2011

/S/ JESSICA C. BROMALL

Rod S. Berman
Jessica C. Bromall
JEFFER MANGELS BUTLER & MITCHELL LLP
1900 Avenue of the Stars, Seventh Floor
Los Angeles, CA 90067
(310) 203-8080
E-mail: trademarkdocket@jmbm.com
Attorneys for Petitioner Premium Denim, LLC

DECLARATION OF JESSICA C. BROMALL

I, JESSICA C. BROMALL, declare as follows:

1. I am an attorney licensed to practice law in the State of California and an associate at the law firm of Jeffer Mangels Butler & Mitchell LLP, counsel for petitioner Premium Denim, LLC ("Petitioner") in the above-referenced matter. I have personal knowledge of the facts set forth herein, or knowledge based on the documents in my firm's files in the relevant matters, and, if called as a witness, could and would competently testify thereto. I submit this declaration in support of Petitioner's Motion to Compel and to Deem Matters Admitted; Request for Stay of Proceedings (the "Motion").

2. A true and correct copy of Petitioner's First Request for Production is attached hereto as Exhibit A.

3. A true and correct copy of Petitioner's First Request for Admissions is attached hereto as Exhibit B.

4. A true and correct copy of Petitioner's First Set of Interrogatories is attached hereto as Exhibit C.

5. Petitioner's discovery responses were served by mail on March 21, 2011 and responses to the foregoing discovery requests were due on or before April 25, 2011. No responses have been served and no responsive documents have been produced.

6. Attached hereto as Exhibit D is a true and correct copy of a letter I sent to Albert Bitton, the correspondent of record for Registrant, on May 5, 2011. Attached hereto as Exhibit E is a true and correct copy of an email exchange between Mr. Bitton and me, between May 18, 2011 and September 14, 2011.

7. To date, Registrant has not produced a single document, nor has it served any responses to Petitioner's discovery requests.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct, and that this Declaration is executed on November 15, 2011 at Los Angeles, California.

/S/ JESSICA C. BROMALL

JESSICA C. BROMALL

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PREMIUM DENIM, LLC,

Petitioner,

v.

ALYN PAIGE CORPORATION,

Registrant.

Opposition No. 92/052,738

Registration No.: 3,239,342

Mark: ALYN PAIGE

Atty. Ref. No.: 66884-0043

PETITIONER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND
THINGS TO REGISTRANT ALYN PAIGE CORPORATION

Pursuant to Rule 34 of the Federal Rules of Civil Procedure ("FRCP") and Rule 2.120 of the Trademark Rules of Practice (37 C.F.R. § 2.120), petitioner Premium Denim, LLC ("Petitioner") hereby requests that Registrant Alyn Paige Corporation ("Registrant") separately and fully answer the following Requests for Production by mailing or otherwise delivering the answers within thirty (30) days after service hereof.

DEFINITIONS AND INSTRUCTIONS

The Definitions and Instructions set forth in Petitioner's First Set of Interrogatories to Registrant, which was served concurrently herewith, are incorporated herein by reference.

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REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Documents sufficient to identify all partnerships, corporations, and limited liability companies with which you are affiliated.

REQUEST FOR PRODUCTION NO. 2:

All documents evidencing or relating to any assignment of rights in Registrant's Mark.

REQUEST FOR PRODUCTION NO. 3:

All documents evidencing or relating to any licensing of Registrant's Mark.

REQUEST FOR PRODUCTION NO. 4:

Documents sufficient to establish that Registrant's Mark is currently in use.

REQUEST FOR PRODUCTION NO. 5:

Documents sufficient to identify each and every good in connection with which Registrant is currently using Registrant's Mark.

REQUEST FOR PRODUCTION NO. 6:

Documents sufficient to identify each good, if any, in connection with which Registrant was using Registrant's Mark in the United States on June 6, 2006.

REQUEST FOR PRODUCTION NO. 7:

Documents sufficient to identify each good, if any, in connection with which Registrant was using Registrant's Mark in the United States on October 1, 1993.

REQUEST FOR PRODUCTION NO. 8:

Representative samples of items showing Registrant's Mark in use in connection with each good identified in Interrogatory No. 5.

REQUEST FOR PRODUCTION NO. 9:

All documents concerning or supporting any allegation by Registrant that it intends to use Registrant's Mark in the United States in the future.

REQUEST FOR PRODUCTION NO. 10:

Documents sufficient to identify the earliest date on which Registrant's Mark was used in the United States in connection with each good identified in Interrogatory No. 5.

REQUEST FOR PRODUCTION NO. 11:

Where applicable, documents sufficient to identify the last date on which Registrant's Mark was used in connection with each good identified in response to Interrogatory No. 5.

REQUEST FOR PRODUCTION NO. 12:

All documents concerning any cessation of use of Registrant's Mark.

REQUEST FOR PRODUCTION NO. 13:

All documents constituting or concerning any communication with any person concerning any document produced in response to Request for Production No. 12.

REQUEST FOR PRODUCTION NO. 14:

All documents concerning any cessation of use of Registrant's Mark in the United States in connection with any of the goods identified in response to Interrogatory No. 5.

REQUEST FOR PRODUCTION NO. 15:

All documents constituting or concerning any communication with any person concerning any document produced in response to Request for Production No. 14.

REQUEST FOR PRODUCTION NO. 16:

All documents concerning any cessation of use of Registrant's Mark in the United States in connection with any of the goods identified in U.S. Reg. No. 3,239,34.

REQUEST FOR PRODUCTION NO. 17:

All documents constituting or concerning any communication with any person concerning any document produced in response to Request for Production No. 16.

REQUEST FOR PRODUCTION NO. 18:

All documents concerning Registrant's marketing and business plans for the next five years for each of the goods identified in response to Interrogatory No. 6.

REQUEST FOR PRODUCTION NO. 19:

For each year from the date of first use to the present, documents sufficient to show Registrant's annual sales, in U.S. dollars, for each good identified in response to Interrogatory No. 5, broken down by product and year.

REQUEST FOR PRODUCTION NO. 20:

For each year from the date of first use to the present, documents sufficient to show the approximate amount, in U.S. dollars, that Registrant spent advertising and promoting the goods sold or offered for sale, or intended to be sold or offered for sale, in connection with Registrant's Mark, broken down by product and year.

REQUEST FOR PRODUCTION NO. 21:

For each year from the date of first use to the present, documents sufficient to show the approximate amount, in U.S. dollars, that Registrant spent advertising and promoting the goods sold or offered for sale, or intended to be sold or offered for sale, in connection with Registrant's Mark, broken down by product and year.

REQUEST FOR PRODUCTION NO. 22:

All documents that constitute or concern any federal or state trademark registrations or applications covering Registrant's Mark, including, but not limited to, all papers filed with the United States Patent and Trademark Office or any state.

REQUEST FOR PRODUCTION NO. 23:

All documents constituting or concerning communications with any person concerning any federal or state registrations covering Registrant's Mark.

REQUEST FOR PRODUCTION NO. 24:

Specimens, originals when possible, of all advertising and promotional materials relating to products and services marketed, sold or distributed in connection with Registrant's Mark in the United States, including, but not limited to, labels, packaging, flyers, direct mail pieces, point of sale pieces, signs, posters, newspaper advertisements, magazine advertisements, media articles, catalogs, circulars, leaflets, brochures, television and radio commercials, and any other publicly distributed materials.

REQUEST FOR PRODUCTION NO. 25:

All documents constituting or relating to communications between You and any other person regarding this proceeding before the United States Patent and Trademark Office.

REQUEST FOR PRODUCTION NO. 26:

Documents sufficient to establish that the mark in U.S. Reg. No. 3,239,34 is currently in use.

REQUEST FOR PRODUCTION NO. 27:

Documents sufficient to identify each and every Good in connection with which Registrant is currently using the mark in U.S. Reg. No. 3,239,34.

REQUEST FOR PRODUCTION NO. 28:

Documents sufficient to identify the earliest date on which the mark in U.S. Reg. No. 3,239,34 was used in the United States.

REQUEST FOR PRODUCTION NO. 29:

If applicable, documents sufficient to identify the last date on which the mark in U.S. Reg. No. 3,239,34 was used in the United States.

REQUEST FOR PRODUCTION NO. 30:

Documents sufficient to show all efforts taken by You to enforce Your alleged rights in Registrant's Mark, including demand or cease and desist letters, TTAB proceedings, law suits, or

other legal actions of any kind taken by You against any person as a result of that person's use of, registration of, or claim to rights in a mark that is the same as, or similar to, Registrant's Mark.

REQUEST FOR PRODUCTION NO. 31:

If applicable, documents sufficient to identify any period of time, after Registrant's Mark was first used, during which the mark in U.S. Reg. No. 3,239,34 was not used in the United States.

Dated: March 21, 2011

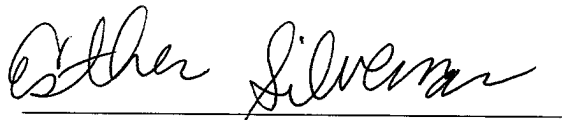


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(310) 203-8080
E-mail: trademarkdocket@jmbm.com
Attorneys for Petitioner Premium Denim, LLC

CERTIFICATE OF SERVICE

It is hereby certified that on March 21, 2011, a copy of the foregoing PETITIONER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS TO REGISTRANT ALYN PAIGE CORPORATION has been sent by first class mail, postage prepaid, to the owner of record for the registration at its correspondence address of record:

Albert Bitton
Alyn Paige Corporation
225 West 37th Street, 9th Floor
New York, NY 10018



Esther Silverman

EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PREMIUM DENIM, LLC,

Petitioner,

v.

ALYN PAIGE CORPORATION,

Registrant.

Opposition No. 92/052,738

Registration No.: 3,239,342

Mark: ALYN PAIGE

Atty. Ref. No.: 66884-0043

PETITIONER'S FIRST REQUEST FOR ADMISSIONS TO
REGISTRANT ALYN PAIGE CORPORATION

Pursuant to Rule 36 of the Federal Rules of Civil Procedure ("FRCP") and Rule 2.120 of the Trademark Rules of Practice (37 C.F.R. § 2.120), petitioner Premium Denim, LLC ("Petitioner") hereby requests that Registrant Alyn Paige Corporation ("Registrant") admit or deny the truth of the following Requests for Admissions, separately and fully in writing, within thirty (30) days after service hereof.

DEFINITIONS AND INSTRUCTIONS

The Definitions and Instructions set forth in Petitioner's First Set of Interrogatories to Registrant, which was served concurrently herewith, are incorporated herein by reference.

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REQUEST FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1:

Admit that You do not use Registrant's Mark in the United States.

REQUEST FOR ADMISSION NO. 2:

Admit that You do not use Registrant's Mark in commerce in connection with each good identified in U.S. Reg. No. 3,239,342.

REQUEST FOR ADMISSION NO. 3:

Admit that You were not using Registrant's Mark in commerce in connection with each good identified in U.S. Reg. No. 3,239,342 as of June 6, 2006.

REQUEST FOR ADMISSION NO. 4:

Admit that You were not using Applicant's Mark in commerce in connection with each good identified in U.S. Reg. No. 3,239,342 as of January 1, 1993.

REQUEST FOR ADMISSION NO. 5:

Admit that You do not use Registrant's Mark in the United States in connection with women's clothing.

REQUEST FOR ADMISSION NO. 6:

Admit that You do not use Registrant's Mark in the United States in connection with dresses.

REQUEST FOR ADMISSION NO. 7:

Admit that You do not use Registrant's Mark in the United States in connection with skirts.

REQUEST FOR ADMISSION NO. 8:

Admit that You do not use Registrant's Mark in the United States in connection with pants.

REQUEST FOR ADMISSION NO. 9:

Admit that You do not use Registrant's Mark in the United States in connection with jackets.

REQUEST FOR ADMISSION NO. 10:

Admit that You do not use Registrant's Mark in the United States in connection with blouses.

REQUEST FOR ADMISSION NO. 11:

Admit that You do not use Registrant's Mark in the United States in connection with shirts.

REQUEST FOR ADMISSION NO. 12:

Admit that You do not use Registrant's Mark in the United States in connection with t-shirts.

REQUEST FOR ADMISSION NO. 13:

Admit that You do not use Registrant's Mark in the United States in connection with shorts.

REQUEST FOR ADMISSION NO. 14:

Admit that You do not use Registrant's Mark in the United States in connection with sweaters.

REQUEST FOR ADMISSION NO. 15:

Admit that You were not using Registrant's Mark on or before June 6, 2006.

REQUEST FOR ADMISSION NO. 16:

Admit that You were not using Registrant's Mark in connection with women's clothing on or before June 6, 2006.

REQUEST FOR ADMISSION NO. 17:

Admit that You were not using Registrant's Mark in connection with dresses on or before June 6, 2006.

REQUEST FOR ADMISSION NO. 18:

Admit that You were not using Registrant's Mark in connection with skirts on or before June 6, 2006.

REQUEST FOR ADMISSION NO. 19:

Admit that You were not using Registrant's Mark in connection with pants on or before June 6, 2006.

REQUEST FOR ADMISSION NO. 20:

Admit that You were not using Registrant's Mark in connection with jackets on or before June 6, 2006.

REQUEST FOR ADMISSION NO. 21:

Admit that You were not using Registrant's Mark in connection with blouses on or before June 6, 2006.

REQUEST FOR ADMISSION NO. 22:

Admit that You were not using Registrant's Mark in connection with shirts on or before June 6, 2006.

REQUEST FOR ADMISSION NO. 23:

Admit that You were not using Registrant's Mark in connection with t-shirts on or before June 6, 2006.

REQUEST FOR ADMISSION NO. 24:

Admit that You were not using Registrant's Mark in connection in connection with shorts on or before June 6, 2006.

REQUEST FOR ADMISSION NO. 25:

Admit that You were not using Registrant's Mark in connection in connection with sweaters on or before June 6, 2006.

REQUEST FOR ADMISSION NO. 26:

Admit that You were not using Registrant's Mark on or before October 1, 1993.

REQUEST FOR ADMISSION NO. 27:

Admit that You were not using Registrant's Mark in connection with women's clothing on or before October 1, 1993.

REQUEST FOR ADMISSION NO. 28:

Admit that You were not using Registrant's Mark in connection with dresses on or before October 1, 1993.

REQUEST FOR ADMISSION NO. 29:

Admit that You were not using Registrant's Mark in connection with skirts on or before October 1, 1993.

REQUEST FOR ADMISSION NO. 30:

Admit that You were not using Registrant's Mark in connection with pants on or before October 1, 1993.

REQUEST FOR ADMISSION NO. 31:

Admit that You were not using Registrant's Mark in connection with jackets on or before October 1, 1993.

REQUEST FOR ADMISSION NO. 32:

Admit that You were not using Registrant's Mark in connection with blouses on or before October 1, 1993.

REQUEST FOR ADMISSION NO. 33:

Admit that You were not using Registrant's Mark in connection with shirts on or before October 1, 1993.

REQUEST FOR ADMISSION NO. 34:

Admit that You were not using Registrant's Mark in connection with t-shirts on or before June 6, 2006.

REQUEST FOR ADMISSION NO. 35:

Admit that You were not using Registrant's Mark in connection in connection with shorts on or before October 1, 1993.

REQUEST FOR ADMISSION NO. 36:

Admit that You were not using Registrant's Mark in connection in connection with sweaters on or before October 1, 1993.

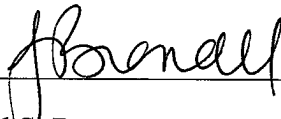
REQUEST FOR ADMISSION NO. 37:

Admit that You do not sell goods bearing Registrant's Mark.

REQUEST FOR ADMISSION NO. 38:

Admit that You do not intend to sell goods bearing Registrant's Mark.

Dated: March 21, 2011



Rod S. Berman
Jessica C. Bromall
JEFFER MANGELS BUTLER & MITCHELL LLP
1900 Avenue of the Stars, Seventh Floor
Los Angeles, CA 90067
(310) 203-8080
E-mail: trademarkdocket@jmbm.com
Attorneys for Petitioner Premium Denim, LLC

CERTIFICATE OF SERVICE

It is hereby certified that on March 21, 2011, a copy of the foregoing PETITIONER'S FIRST REQUEST FOR ADMISSIONS TO REGISTRANT ALYN PAIGE CORPORATION has been sent by first class mail, postage prepaid, to the owner of record for the registration at its correspondence address of record:

Albert Bitton
Alyn Paige Corporation
225 West 37th Street, 9th Floor
New York, NY 10018

A handwritten signature in cursive script, reading "Esther Silverman", written in dark ink.

Esther Silverman

EXHIBIT C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PREMIUM DENIM, LLC,

Petitioner,

v.

ALYN PAIGE CORPORATION,

Registrant.

Opposition No. 92/052,738

Registration No.: 3,239,342

Mark: ALYN PAIGE

Atty. Ref. No.: 66884-0043

PETITIONER'S FIRST SET OF INTERROGATORIES TO

REGISTRANT ALYN PAIGE CORPORATION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Pursuant to Rule 33 of the Federal Rules of Civil Procedure ("FRCP") and Rule 2.120 of the Trademark Rules of Practice (37 C.F.R. § 2.120), petitioner Premium Denim, LLC ("Petitioner") hereby requests that Registrant Alyn Paige Corporation ("Registrant") separately and fully answer the following interrogatories under oath by mailing or otherwise delivering the answers within thirty (30) days after service hereof.

Unless conclusively negated by the context of the particular discovery request, new definitions or instructions, the following Definitions and Instructions are used for all discovery served by Petitioner in this proceeding:

DEFINITIONS

1. As used herein, the terms "You," "Your," and "Registrant" shall mean and refer to registrant Alyn Paige Corporation, and each of its agents, employees, officers, directors, associates, and affiliates and affiliated companies, and their predecessors, successors, affiliates,

licensees, franchisees, related companies or entities, and employees, agents and representatives thereof.

2. As used herein, the term "Petitioner" shall mean Premium Denim, LLC.

3. As used herein, the term "document(s)" shall mean any thing that constitutes or contains material within the scope of discovery under the Federal Rules of Civil Procedure or the Federal Rules of Evidence, including, but not limited to, all printed, written or graphic matter, however produced or reproduced, of every kind and description, including material or information stored in intangible form, such as in computers and computer disks, in Your possession, custody, care or control as defined herein, including, without limitation, correspondence, memoranda, electronic mail, reports, contracts, drafts, plans, specifications, photographs, notes or recordings of events, documents memorializing telephone conversations or meetings, appointment books or diaries showing dates of events, agreements, invoices, charge slips, receipts, books of account, vouchers, bank checks, working papers and all papers similar to the foregoing, however denominated, and every other tangible thing upon which any handwriting, typing, printing, drawing, representation, photostatic or other copy or magnetic or electrical impulses are recorded. The term document shall also mean any writing or recording as those terms are defined in Rule 1001 of the Federal Rules of Evidence. The term document includes both the original of a document and each copy that contains any additional writing, notation or interlineation, or is in any respect not an identical copy of the original. Copies of the documents are to be produced in lieu of originals in the event that there are no originals.

4. As used herein, the term "communications" and any variant thereof, means the passage of information visually, orally, or in writing by any means whatsoever including, but not

limited to, by person, face-to-face meeting, telephone, telegraphic, voice mail, correspondence, by facsimile transmission, computer link, electronic mail, or any other form of electronic contact.

5. Unless otherwise stated, as used herein, the term "identify," when used in reference to (a) a person, requires You to state his or her full name and business address and telephone number or, if unavailable, residential address and telephone number, or (b) a document, requires You to state the number of pages and the nature of the document, e.g., letter or memorandum, and its title, its date, the name or names of its author and recipient, and its present location and custodian.

6. As used herein, the term "person" or "persons" means any individual, firm, partnership, joint venture, association, corporation, or other legal or commercial entity.

7. As used herein, the terms "and" and "or" shall be construed conjunctively and disjunctively within the scope of these requests in order to maximize the information requested.

8. As used herein, words in the singular shall be construed to mean the plural or vice versa, as appropriate.

9. As used herein, the terms "trademark" and "mark" mean trademarks, service marks, trade names, marks, and other source identifiers.

10. As used herein, the term "Petitioner's Mark" and/or "Your Mark" shall mean ALYN PAIGE, the subject of U.S. Reg. No. 3,239,342, and all variations thereon used by Registrant.

11. As used herein, the terms "concerning" and "concern" mean specifically mentioning, referring to, or relating to matters that are the subject of the request and, where appropriate, having context or content that makes it apparent that matters that are the subject of the request are shown or described.

INSTRUCTIONS

A. Petitioner's discovery requests seek answers from Registrant which are complete and fully responsive thereto as of the date the answers are executed, and which reflect or embody all relevant information known to Registrant as of that date. These requests shall be continuing in nature and supplemental answers shall be required promptly if Registrant directly or indirectly obtains further or different information from the time the answers to these requests are made. Should Registrant later learn that any answer was incorrect or incomplete when made, or, though correct or complete when made, is no longer true, the answer shall be timely amended or supplemented as required by Rule 26 of the Federal Rules of Civil Procedure.

B. In responding to Petitioner's Request for Production of documents and Things, Registrant is required to produce all documents which are in its actual or constructive possession, custody, or control, including documents which may be in the physical possession of another entity such as a business or law firm. If a requested document was, but no longer is, in Registrant's possession, custody, or control, Registrant is required to state whether it is (a) lost or destroyed, (b) has been transferred to another person, either voluntarily or involuntarily, or (c) has been otherwise disposed of, and, in each instance, explain the circumstances surrounding the disposition, including the date or approximate date thereof.

C. In responding to Petitioner's Request for Production of documents and Things, if a document is not produced in full, Registrant is directed to state with particularity the reason or reasons it is not produced in full and describe to the best of her knowledge, information, and belief, and with as much particularity as possible, those portions of the document that are not produced.

D. Should an Interrogatory not specifically request a particular fact or facts, but where such fact or facts are necessary to make the answer to the Interrogatory comprehensible or not misleading, You are requested to include such fact or facts as part of Your answer.

E. Should You deem any information requested by any Interrogatory, Request for Admission, or Request for Production to be privileged, work-product or confidential, list and identify all such information, specify what matter therein You claim to be privileged, work-product, or confidential, and state all of the grounds and facts upon which such a claim rests, and on which You will rely to assert such claim in order to provide the factual basis to determine whether such information is, in fact, privileged, work-product, or confidential.

F. If any attorney-client privilege is asserted, in addition to the information requested in Section E above, specifically identify the attorney, the client, the nature of the confidential communication, the date of the confidential communication, and all recipients of the communication.

G. If any attorney work-product was prepared, in addition to the information requested in Section E above, specifically identify the person or attorney who prepared the work-product, the date of preparation of the work-product, the nature of the work-product information, and identify the litigation for which the work-product was prepared.

H. In responding to Requests for Production of documents and Things, if Registrant withholds a document based on privilege, work product, confidentiality, or other grounds or excuse, Registrant is directed to specify with particularity:

1. The reason for withholding;
2. The request number or numbers to which the withheld document is responsive;

3. The nature of the document (e.g., letter, memorandum, etc.);
4. The title of the document, if any;
5. The date the document was created, sent and received;
6. The identity of the person who prepared the document and of any person who participated in its preparation;
7. The identity of the person to whom the document was directed;
8. The identity of any and all persons who received copies of the document;
9. The subject matter of the document;
10. The length in pages of the document;
11. The person or entity presently in possession of the document;
12. The present location of the document;
13. If the document no longer exists, the circumstances surrounding the disposition, including the date or approximate date thereof; and
14. Any other indicia or information which supports the basis for withholding the document.

INTERROGATORIES

INTERROGATORY NO. 1:

Describe Registrant's business.

INTERROGATORY NO. 2:

Identify all entities which own or control Registrant and all entities of which Registrant has any ownership or control that have any relationship to the use of intended use of Registrant's Mark.

INTERROGATORY NO. 3:

State whether Registrant is currently using Registrant's Mark.

INTERROGATORY NO. 4:

Identify each good in connection with which Registrant currently uses Registrant's Mark.

INTERROGATORY NO. 5:

Identify each good in connection with which Registrant has ever used Registrant's Mark.

INTERROGATORY NO. 6:

Identify each good in connection with which Registrant intends to use Registrant's Mark in the future.

INTERROGATORY NO. 7:

Identify each good, if any, in connection with which Registrant was using Registrant's Mark on June 6, 2006.

INTERROGATORY NO. 8:

Identify each good in connection with which Registrant was using Registrant's Mark on October 1, 1993.

INTERROGATORY NO. 9:

For each good identified in response to Interrogatory No. 5, please state the date on which Registrant's Mark was first used in connection with that good.

INTERROGATORY NO. 10:

Where applicable, for each good identified in response to Interrogatory No. 5, please state the date on which Registrant's Mark was last used in connection with that good.

INTERROGATORY NO. 11:

For each good identified in response to Interrogatory No. 6, please state the date on which Registrant intends to commence use of Registrant's Mark in connection with that good.

INTERROGATORY NO. 12:

Please state whether Registrant has ever ceased use of Registrant's Mark, and if so, please describe the cessation, including, without limitation, the length thereof and the reason therefor.

INTERROGATORY NO. 13:

Please state whether Registrant has ever ceased use of Registrant's Mark in connection with any of the goods identified in response to Interrogatory No. 5, and if so, please describe the cessation, including, without limitation, the length thereof and the reason therefor.

INTERROGATORY NO. 14:

Please describe Registrant's marketing and business plans for the next five years for each of the goods identified in response to Interrogatory No. 5.

INTERROGATORY NO. 15:

Please describe Registrant's marketing and business plans for the next five years for each of the goods identified in response to Interrogatory No. 6.

INTERROGATORY NO. 16:

For each year from the date of first use to the present, please state Registrant's annual sales, in U.S. dollars, for each good identified in response to Interrogatory No. 5, broken down by product and year.

INTERROGATORY NO. 17:

For each year from the date of first use to the present, please state the approximate amount, in U.S. dollars, that Registrant spent advertising and promoting goods sold or offered for sale, or intended to be sold or offered for sale, in connection with Registrant's Mark, broken down by product and year.

INTERROGATORY NO. 18:

Describe in detail each advertising campaign which focused on, highlighted, or otherwise promoted Registrant's Mark.

INTERROGATORY NO. 19:

Describe in detail any planned advertising campaign which focuses on, highlights, or otherwise promotes Registrant's Mark.

INTERROGATORY NO. 20:

Identify all persons to whom Registrant has licensed, assigned, or otherwise granted the right to use Registrant's Mark.

INTERROGATORY NO. 21:

Identify each person who uses or has ever used Registrant's Mark under a license, grant of permission, or consent.

INTERROGATORY NO. 22:

Describe in detail all efforts on Your part to monitor and/or control the quality of the goods and/or services in connection with which any person uses or has ever used Registrant's Mark under a license, grant of permission, or consent.

INTERROGATORY NO. 23:

Identify the following persons:

- (a) The person most knowledgeable about the goods and/or services in connection with which Registrant's Mark is used, has been used, or is intended to be used;
- (b) The person in charge of marketing Registrant's goods and/or services in connection with which Registrant's Mark is used, has been used, or is intended to be used;
- (c) The person in charge of advertising Registrant's goods and/or services in connection with which Registrant's Mark is used, has been used, or is intended to be used;

- (d) The person most knowledgeable about Registrant's advertising expenditures;
- (e) The person, if any, in charge of protecting and/or enforcing Registrant's alleged rights in and to Registrant's Mark; and
- (f) The person most knowledgeable about Registrant's sales and revenues derived from goods and/or services in connection with which Registrant's Mark is used.

INTERROGATORY NO. 24:

Identify all witnesses, including expert witnesses, whom You intend to call in connection with this proceeding, and describe in detail the expected testimony and/or opinion(s) of such witnesses.

INTERROGATORY NO. 25:

Identify all partnerships, corporations, and limited liability companies with which You are affiliated, and describe each relationship or affiliation identified.

INTERROGATORY NO. 26:

Identify all persons who now have, or have ever had, any ownership interest in Registrant's Mark.

INTERROGATORY NO. 27:

State whether you are using Registrant's Mark in commerce in connection with each good identified in U.S. Reg. No. 3,239,342.

INTERROGATORY NO. 28:

State the date of first use in commerce, if any, of Registrant's Mark in connection with each good identified in U.S. Reg. No. 3,239,34.

INTERROGATORY NO. 29:

State Your annual sales revenue, if any, for each good identified in U.S. Reg. No. 3,239,34, for each year from the date of first use to the present.

INTERROGATORY NO. 30:

State Your annual dollar expenditures, if any, for advertising and promotion for each good identified in U.S. Reg. No. 3,239,34, for each year from the date of first use to the present.

INTERROGATORY NO. 31:

Identify each catalog, flyer, brochure, pamphlet, and price list printed, used, or distributed by Registrant which mentions or refers to any of the goods identified in U.S. Reg. No. 3,239,34.

INTERROGATORY NO. 32:

Identify and describe all efforts to enforce Your alleged rights in Registrant's Mark, including demand or cease and desist letters, TTAB proceedings, law suits, or other legal actions of any kind taken by You against any person as a result of that person's use of, registration of, or claim to rights in a mark that is the same as, or similar to, Registrant's Mark.

INTERROGATORY NO. 33:

State whether You have continuously used Registrant's Mark from the date of first use to the present.

INTERROGATORY NO. 34:

State all facts that support Your allegation that You have continuously used Registrant's Mark from the date of first use to the present.

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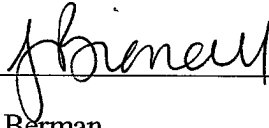
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INTERROGATORY NO. 35:

Identify each person who furnished any information on which any part of any answer to these Interrogatories is based, indicating for each person identified each interrogatory or subpart which such person answered or assisted in answering, and whether the information so furnished is within the personal knowledge of such person and, if not within the personal knowledge of such person, describe the source of the information.

Dated: March 21, 2011



Rod S. Berman
Jessica C. Bromall
JEFFER MANGELS BUTLER & MITCHELL LLP
1900 Avenue of the Stars, Seventh Floor
Los Angeles, CA 90067
(310) 203-8080
E-mail: trademarkdocket@jmbm.com
Attorneys for Petitioner Premium Denim, LLC

CERTIFICATE OF SERVICE

It is hereby certified that on March 21, 2011, a copy of the foregoing PETITIONER'S FIRST SET OF INTERROGATORIES TO REGISTRANT ALYN PAIGE CORPORATION has been sent by first class mail, postage prepaid, to the owner of record for the registration at its correspondence address of record:

Albert Bitton
Alyn Paige Corporation
225 West 37th Street, 9th Floor
New York, NY 10018

A handwritten signature in cursive script, reading "Esther Silverman", written in black ink. The signature is fluid and stylized, with the first letters of the first and last names being capitalized and prominent.

Esther Silverman

EXHIBIT D



Jeffer Mangels
Butler & Mitchell LLP

Jessica C. Bromall
Direct: (310) 712-6838
Fax: (310) 712-8588
JBromall@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

Ref: 66884-0043

May 5, 2011

VIA U.S. MAIL

Mr. Albert Bitton
Alyn Paige Corporation
225 West 37th Street, 9th Floor
New York, NY 10018

Re: U.S. Cancellation No. 92052738
ALYN PAIGE
in the name of Alyn Paige Corporation
U.S. Reg. No. 3,239,342

Dear Mr. Bitton:

Enclosed are our client Premium Denim, LLC's Pre-Trial Disclosures. We have not received any responses to the discovery requests we served on March 21, 2011. Responses were due on Monday, April 25, 2011. As a result of your failure to respond, all objections have been waived. Accordingly, please provide responses and the requested documents immediately. If you do not, we will be forced to file a motion to compel you to do so. Presently, any such motion must be filed on or before May 19, 2011.

We hope that a motion will not be necessary. To that end, we would be willing to agree to a 60 day extension of the current case management dates to allow time for you to respond to the discovery responses. If you are willing to agree, please let us know and we will prepare and file the appropriate papers with the TTAB. An extension will also give us an opportunity to discuss possible resolution of this matter.

We look forward to your response. Regards,

Sincerely,

JESSICA C. BROMALL for
Jeffer Mangels Butler & Mitchell LLP

JCB:es
Enclosure
cc: Rod S. Berman, Esq.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PREMIUM DENIM, LLC,

Petitioner,

v.

ALYN PAIGE CORPORATION,

Registrant.

Opposition No. 92/052,738

Registration No.: 3,239,342

Mark: ALYN PAIGE

Atty. Ref. No.: 66884-0043

PETITIONER'S PRE-TRIAL DISCLOSURES

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Petitioner Premium Denim, LLC ("Petitioner"), by and through its undersigned counsel, hereby sets forth its pretrial disclosures pursuant to 37 C.F.R. 2.121(e). These Disclosures are based on information currently available to Petitioner and its counsel. Petitioner notes that discovery is still ongoing. Further, Petitioner anticipates that a motion to compel further responses may be necessary as it has not received responses to its discovery requests from registrant Alyn Paige Corporation ("Registrant"). Accordingly, Petitioner reserves the right to rely on witnesses, documents and other information that may come to its or its counsel's attention through additional discovery and trial preparation. Petitioner also reserves the right to modify or supplement these disclosures as discovery proceeds.

I. WITNESSES

The contact information, if known, of each individual from whom Petitioner intends to take testimony, and the subject of that testimony, is as follows:

A. Michael Geller, may be reached through Petitioner's counsel, and is the Chief Executive Officer of Petitioner. He has knowledge about the damage to Petitioner resulting from continued registration of the ALYN PAIGE mark.

B. Walt Lacher, may be reached through Petitioner's counsel, and is the Chief Financial Officer of Petitioner. He has knowledge about the damage to Petitioner resulting from continued registration of the ALYN PAIGE mark.

C. Representatives of Registrant, not yet identified, who have knowledge concerning, among other things: Registrant's use of ALYN PAIGE, if any; the day-to-day operations of Registrant's businesses; sales of products under the ALYN PAIGE mark; and Registrant's plans for future use of the ALYN PAIGE mark.

Identification of the above persons does not waive any privileges or work product protection that may apply to information possessed by them. Petitioner reserves all rights to disclose and use additional witnesses and information as its discovery and investigation proceeds.

II. DESCRIPTION OF EXHIBITS

A general summary of the types of documents and things which may be introduced as exhibits during the testimony of the above-identified witnesses follows.

A. Michael Gellar and/or Walt Lacher

1. Documents relating to the damage to Petitioner resulting from continued registration of the ALYN PAIGE mark.

B. Representatives of Applicant

1. Documents and/or tangible things, to be obtained from Registrant, concerning Registrant's marketing, advertisement, distribution and sale of products under the ALYN PAIGE mark, if any.

2. Documents and/or tangible things, to be obtained from Registrant, concerning Registrant's plans for future use of the ALYN PAIGE mark, if any.

Petitioner reserves all rights to disclose and use whatever additional evidence comes to its attention as its discovery and investigation of these matters proceed.

Dated: May 5, 2011



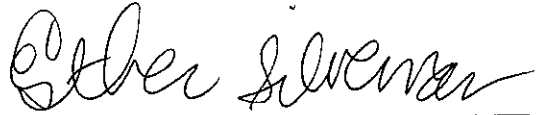
Rod S. Berman
Jessica C. Bromall
JEFFER MANGELS BUTLER & MITCHELL LLP
1900 Avenue of the Stars, Seventh Floor
Los Angeles, CA 90067
(310) 203-8080
E-mail: trademarkdocket@jmbm.com
Attorneys for Petitioner Premium Denim, LLC

CERTIFICATE OF SERVICE

It is hereby certified that on May 5, 2011, a copy of the foregoing **PETITIONER'S PRE-TRIAL DISCLOSURES** has been sent by first class mail, postage prepaid, to the owner of record for the registration at its correspondence address of record:

Albert Bitton
Alyn Paige Corporation
225 West 37th Street, 9th Floor
New York, NY 10018

Dated: May 5, 2011

A handwritten signature in cursive script, reading "Esther Silverman", written over a horizontal line.

Esther Silverman

EXHIBIT E

Bromall, Jessica

From: abitton@alynpaige.com
Sent: Wednesday, September 14, 2011 10:14 AM
To: Bromall, Jessica
Subject: Re: Premium Denim v. ALYN PAIGE - Extension of Dates TTAB Proc. No. 92052738

Yes, please extend.

Also, can you just forward your questions directly in plain terms, so that we can respond accordingly.

Regards,
Albert Bitton

Sent via BlackBerry by AT&T

From: "Bromall, Jessica" <JZB@JMBM.COM>
Date: Wed, 14 Sep 2011 10:06:55 -0700
To: <abitton@alynpaige.com>
Cc: Silverman, Esther<es4@JMBM.com>
Subject: FW: Premium Denim v. ALYN PAIGE - Extension of Dates TTAB Proc. No. 92052738

Albert -

What is the status of providing responses to the attached. The deadline for us to make a motion to compel responses Friday. We can consent to one additional extension - until October 16, 2011 - if you need additional time. If you would like to extend the deadline, please let me know and I will prepare and file appropriate papers.

I look forward to hearing from you.

Regards,

Jessica

From: abitton@alynpaige.com [mailto:abitton@alynpaige.com]
Sent: Friday, July 15, 2011 7:21 AM
To: Bromall, Jessica
Subject: Re: Premium Denim v. ALYN PAIGE - Extension of Dates TTAB Proc. No. 92052738

Hello,

I am away until 20th. Please file for postponement.

Regards,

11/14/2011

Albert Bitton

Sent via BlackBerry by AT&T

From: "Bromall, Jessica" <JZB@JMBM.COM>
Date: Thu, 14 Jul 2011 11:34:00 -0700
To: <abitton@alynpaige.com>
Cc: Silverman, Esther<es4@JMBM.com>
Subject: FW: Premium Denim v. ALYN PAIGE - Extension of Dates TTAB Proc. No. 92052738

Albert -

We need to receive from you responses to our requests for information. Copies of those requests are attached. The information we need to receive is set forth in the attached documents. If you have questions about specific requests, I would be happy to discuss it with you.

We are again approaching a deadline in the above matter. If no responses are received, we will be forced to file a motion to compel. We would prefer to avoid this if possible.

Any such motion would need to be filed on or before Monday, July 19, 2011. That deadline can be extended with your consent. Please confirm that you will agree to a 60 day extension of the foregoing deadline and related case management dates, so that we can resolve this matter without a motion. If you will consent, we will prepare and file appropriate papers.

I look forward to hearing from you.

Regards,

Jessica

<<2011-3-21 Premium Denim_s RFPS1 to Alyn Paige Corporation.PDF>> <<2011-3-21 Premium Denim_s ROGS1 to Alyn Paige Corporation.PDF>> <<2011-3-21 Premium Denim_s RFAS1 to Alyn Paige Corporation.PDF>>

From: Bromall, Jessica
Sent: Wednesday, May 18, 2011 9:05 AM
To: abitton@alynpaige.com
Cc: Berman, Rod S.; Silverman, Esther
Subject: Premium Denim v. ALYN PAIGE - Extension of Dates TTAB Proc. No. 92052738

Albert -

This confirms our conversation today agreeing to extend the case management dates in the above proceeding to allow the parties time to resolve discovery issues. I will be in touch tomorrow regarding Alyn Paige's responses to our client's discovery questions.

Regards,

Jessica

11/14/2011

Jessica C. Bromall for
JMBM | Jeffer Mangels Butler & Mitchell LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067

(310) 712-6838 Direct
(310) 712-8588 Fax
JBromall@jmbm.com
JMBM.com

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Circular 230 Disclosure: To assure compliance with Treasury Department rules governing tax practice, we hereby inform you that any advice contained herein (including in any attachment) (1) was not written or intended to be used, and cannot be used, by you or any taxpayer for the purpose of avoiding any penalties that may be imposed on you or any taxpayer and (2) may not be used or referred to by you or any other person in connection with promoting, marketing or recommending to another person any transaction or matter addressed herein.

CERTIFICATE OF SERVICE

It is hereby certified that on November 15, 2011 a copy of the foregoing
**PETITIONER'S MOTION TO COMPEL AND TO DEEM MATTERS; REQUEST FOR
STAY OF PROCEEDINGS** has been sent by first class mail, postage prepaid, to the
correspondent of record for registrant Alyn Paige Corporation:

Albert Bitton
Alyn Paige Corporation
225 West 37th Street, 9 Floor
New York, NY 10022
United States
abitton@alynpaige.com



Esther Silverman